

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAIQUAN K. FALLS,

Petitioner,

-against-

ACTING COMMISSIONER ANTHONY J.
ANNUCCI, of the New York State Department
of Correction and Community Supervision, *et*
al.,

Respondents.

22-CV-8743 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On October 11, 2022, Petitioner Raiquan K. Falls filed this *pro se* petition seeking “immediate release from such illegal imprisonment and restraint of his liberty.” (ECF No. 2 at 1.) The Court denies the petition for the following reasons.

On September 19, 2022, Petitioner submitted an identical petition. That case is presently pending before this court under docket number 22-CV-8055 (UA). As this petition raises identical claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this petition is denied without prejudice to Petitioner’s pending case under docket number 22-CV-8055 (UA).

CONCLUSION

The Court denies the petition as duplicative and dismisses this action without prejudice.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: October 18, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge